

# **Exhibit 3**

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[Additional counsel appear on signature page.]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re FACEBOOK BIOMETRIC  
INFORMATION PRIVACY LITIGATION

) Master File No. 3:15-cv-03747-JD

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This Document Relates To:

) PLAINTIFFS' AMENDED SECOND  
) NOTICE OF DEPOSITION PURSUANT TO  
) FEDERAL RULE OF CIVIL PROCEDURE  
) 30(b)(6)

ALL ACTIONS.  
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1 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that pursuant to Rule 30(b)(6) of the Federal Rules of Civil  
3 Procedure, plaintiffs, by and through their attorneys, will take the deposition of a corporate  
4 representative of defendant Facebook, Inc. ("Facebook") at the following specified date and time, or  
5 at such other reasonable time and/or location as the parties may agree:

| 6 Defendant      | Date/Time                       | Location  |
|------------------|---------------------------------|---|
| 7 Facebook, Inc. | October 18, 2016<br>8 8:00 a.m. | Mayer Brown LLP<br>Two Palo Alto Square, Suite 300<br>Palo Alto, CA 94306 |

9 The deposition will be taken before a notary public or some other officer qualified to  
10 administer oaths pursuant to Fed. R. Civ. P. 28(a), and will be videotaped and recorded by a  
11 stenographer, and will continue day to day, excluding Sundays and holidays, until the examination is  
12 completed.

13 Pursuant to Fed. R. Civ. P. 30(b)(6), Facebook shall designate one or more officers,  
14 employees, agents, or other persons with knowledge who can testify on behalf of Facebook with  
15 respect to the topics set forth below in the Schedule A attached hereto for the time period January 1,  
16 2008 through the present.

17 DATED: October 14, 2016

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**SCHEDULE A**  
**(Facebook, Inc.)**

**I. DEFINITIONS**

Unless otherwise stated, the terms set forth below are defined as follows:

1. “Biometric Identifier(s)” means any data, information, scan, Faceprint, Face Template or Template, including, without limitation, the results of any Face Finding or Facial Recognition, relating to an individual’s unique physical characteristics (including, without limitation, facial geometry), regardless of the source from which it was collected.

2. “Company,” “Defendant,” “Facebook,” “You” or “Your” means Facebook, Inc. and its predecessors, successors, subsidiaries (foreign or domestic), and includes its present and former directors, officers, employees, agents and advisors, and all other entities operated or controlled by Facebook or by any direct or indirect subsidiary or affiliate thereof.

3. “Faceprint(s)” or “Face Template(s)” means any set of Biometric Identifiers relating to the facial geometry of an individual’s facial features, including without limitation, any scan, graphical or other algorithmic representation of such Biometric Identifiers, “the distance between the eyes, nose and ears” as described on Facebook’s website. *See How does Facebook suggest tags?*, Facebook Help Center, <https://www.facebook.com/help/122175507864081> (last visited May 27, 2016).

4. “Face Finding” means all image processes, algorithms and/or mechanisms used to locate faces in an image and extract them as an object from the image.

5. “Face Recognition” or “Facial Recognition” means any process by which a detected face is converted into a Faceprint or Face Template that can be matched against one or more previously stored Faceprints associated with identified Users.

6. “Person(s)” refers to natural persons, proprietorships, governmental agencies, corporations, partnerships, trusts, joint ventures, groups, associations, organizations and all other entities.

7. “User(s)” means any individual that has, at any point, had an account with Facebook.

1 **II. RELEVANT TIME PERIOD**

2 Unless otherwise stated, the time period to which these interrogatories refer is January 1,  
3 2008 through the present.

4 **III. TOPICS FOR RULE 30(b)(6) DEPOSITION**

5 Pursuant to Fed. R. Civ. P. 30(b)(6), Facebook shall designate and produce for deposition  
6 one or more of its officers, directors, employees, agents, or other Persons who consent to testify on  
7 its behalf regarding the information known or reasonably available to Facebook about the following  
8 matters:

9 1. The process by which Facebook's Facial Recognition technology collects or obtains  
10 information, including Biometric Identifiers, from photographs or images that contain faces.

11 2. The process by which Facebook creates Face Templates from information in  
12 photographs or images that contain faces.

13 3. The process and procedures by which Facebook stores and/or saves information  
14 including Biometric Identifiers obtained from photographs or images that contain faces.

15 4. The processes and procedures by which Facebook can or does manipulate and/or  
16 disable its Facial Recognition technology in order to comply with United States or European  
17 regulatory requirements.

18 5. The processes and procedures regarding permanently destroying information,  
19 including Biometric Identifiers, obtained from photographs or images.

20 6. The processes and procedures by which Facebook determines whether and how to  
21 provide notice to Users, and/or obtains consent from Users, with respect to new or existing features  
22 or services offered by Facebook, including Tag Suggestions, and the implementation of such notice  
23 or consent processes and procedures.

24 7. All benefits or profits Facebook derived directly or indirectly from the  
25 implementation of Tag Suggestions.

26 8. The purpose(s) for which Facebook has collected Biometric Identifiers and/or created,  
27 stored or used Face Templates.

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1           9.       Processes employed and actions taken by the Company to analyze or determine  
2 whether Facebook could comply with the Illinois Biometric Privacy Act, including, but not limited  
3 to, any lobbying or legislative efforts or initiatives to amend the statute.

DECLARATION OF SERVICE BY U.S. MAIL AND E-MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and employed in the City and County of San Francisco, over the age of 18 years, and not a party to or interested party in the within action; that declarant's business address is Post Montgomery Center, One Montgomery Street, Suite 1800, San Francisco, California 94104.

2. That on October 14, 2016, declarant caused to be served PLAINTIFFS' AMENDED SECOND NOTICE OF DEPOSITION PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 30(b)(6) by depositing a true copy thereof in a United States mailbox at San Francisco, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed below and by e-mail to the parties listed below.

MAYER BROWN LLP  
John Nadolenco  
350 South Grand Avenue 25th Floor  
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3. That there is regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 14, 2016, at San Francisco, California.



SARAH MORRIS